

**Rules of
Georgia Department of Community Affairs**

**Chapter 110-12-3
Developments of Regional Impact
(Effective Date: January 1, 2005)**

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**CHAPTER 110-12-3-.01
PURPOSE & OVERVIEW**

110-12-3-.01 Purpose & Overview

(1) General. The Georgia Planning Act authorizes the Department of Community Affairs (the Department) to establish the specific thresholds, rules and procedures for the identification and review of Developments of Regional Impact (DRI) that are provided in these rules. These rules are applicable to all local governments and regional development centers (RDCs) in the State. The intent of the DRI review process is improved local, regional and state level communication about new growth in the State. The DRI process is also intended to coordinate, streamline and provide consistency with the Georgia Regional Transportation Authority's (GRTA) needed review and approval of state and federal expenditures required to create land transportation services and access to a DRI located within GRTA's jurisdictional area pursuant to O.C.G.A. 50-32-14.

(2) Overview. The rules require that:

(a) Local governments must submit any development project that meets or exceeds the thresholds identified in Table I to their RDC for DRI review.

(b) The RDC must review the project in accordance with the procedures spelled out in Chapter 110-12-3-.05, DRI Review Procedures. This review process will typically be completed in no more than 30 calendar days.

(c) If the project is located within GRTA's jurisdictional area, as indicated on a map available from the Department, the RDC must review the project in accordance with alternative procedures spelled out in Chapter 110-12-3-.06 DRI Review Procedures for

Projects Located in GRTA's Jurisdictional Area. This review process will typically be completed in no more than 45 calendar days.

(d) The local government must not take action furthering the project during DRI review. See Chapter 110-12-3-.04, Paragraph (1)(e) for actions that the local government may take while DRI review is underway.

(e) The local government should consider the DRI review comments and findings in making its decisions related to the project.

The rules also include provisions for addressing special situations, such as failure to comply with DRI review requirements, in Chapter 110-12-3-.04, Duties and Responsibilities.

(3) Changes and Interpretation. These rules and regulations may, from time to time, be revised by the Department pursuant to the Administrative Procedures Act. The Department shall be the final authority for interpretation of these rules.

CHAPTER 110-12-3-.02

DEFINITIONS

110-12-3-.02 Definitions

(1) General. For the purpose of these rules, the following words shall have the meaning as contained herein unless the context does not permit such meaning. Terms not defined in these rules, but defined in O.C.G.A. 50-8-1 et seq., shall have the meanings contained therein. Terms not defined in these rules, or in O.C.G.A. 50-8-1 et seq., shall have ascribed to them the ordinary accepted meanings such as the context may imply.

(2) Definitions. The following terms and definitions shall be used to guide the implementation of the Developments of Regional Impact process.

(a) ‘Affected parties’ means: 1) any local governments within geographic proximity that may be impacted by a DRI project located outside of its jurisdictional limits; 2) any local, state or federal agencies including the Department that could potentially have concern about a project’s impact on regional systems and resources; and 3) any RDC within geographic proximity that could potentially have concern about a project’s impact on regional systems and resources. This term should be liberally construed to ensure that all potentially affected local governments, public agencies or RDCs are included in the DRI review process.

(b) ‘Board of directors’ means the board of a regional development center.

(c) ‘Days’ means calendar days.

(d) ‘Department’ means the Department of Community Affairs.

(e) Development Types. The following definitions shall be used to identify the types of development that, depending on the development’s size and possibly its location, would qualify as a Development of Regional Impact.

(1) ‘Airports’ means land areas and related facilities that are maintained for the landing and takeoff of aircraft and for receiving and discharging passengers and/or cargo.

(2) ‘Attractions & recreational facilities’ means an establishment or set of establishments that provide leisure time recreational or entertainment activities occurring in either an indoor or outdoor setting.

(3) ‘Commercial’ means activities within land areas that are predominantly associated with the sale of goods and/or services.

(4) ‘Hospitals and health care facilities’ mean a structure, or set of structures, primarily intended to provide health care services for human in-patient medical or surgical care for the sick and injured.

(5) 'Hotels' mean establishments that provide temporary lodging and sometimes food and beverage service, entertainment and/or convention services.

(6) 'Housing' means land areas used predominantly for residential purposes, including one family, two-family and multiple family dwellings.

(7) 'Industrial' means activities within land areas predominantly connected with manufacturing, assembly, processing or storage of products.

(8) 'Mixed use' means a type of development that is comprised of multiple land uses (e.g., commercial, residential, office, etc.) which may also include multiple density and intensity of each use.

(9) 'Office' means a building(s) wherein services are performed involving predominantly administrative, professional or clerical operations.

(10) 'Petroleum storage facilities' mean facilities used to store gasoline, motor fuel or other petroleum products.

(11) 'Quarries, asphalt & cement plants'. Quarries mean an open excavation used for obtaining building stone, slate or limestone. This includes ready mix concrete plants. The terms 'asphalt' and 'cement plants' are self-explanatory.

(12) 'Truck stops' mean an establishment that provides fuel, parking and related goods and services to primarily support interstate truck transportation. Such facilities do not include convenience stores that have the primary purpose of selling goods and services to support the traveling public.

(13) 'Intermodal terminals' mean an area and building where the mode of transportation for cargo or freight changes and where the cargo and freight may be broken down or aggregated in smaller or larger loads for transfer to other land-based vehicles. Such terminals do not include airports or seaports.

(14) 'Waste handling facilities' mean structures or systems designed for the collection, processing or disposal of solid waste, including hazardous wastes and includes transfer stations, processing plants, recycling plants and disposal systems.

(15) 'Wastewater treatment facilities' mean structures or systems designed for the treatment of sewage. This definition does not include septic tanks.

(16) 'Water supply intakes/reservoirs' mean facilities excavated, drilled, dug or impounded that are used for the supply of potable water for general public consumption.

(f) 'Georgia Regional Transportation Authority (GRTA)' means the authority created by O.C.G.A. 50-32-1 et seq.

(g) 'GRTA's jurisdictional area' means counties that are under the jurisdiction of the Georgia Regional Transportation Authority.

(h) 'Gross square footage' means areas of each floor of a building, measured from the exterior faces of the exterior walls or from the centerline of a wall separating two buildings. The gross square footage measurement is exclusive of areas of unfinished basements, unfinished cellars, unfinished attics, attached or detached garages, space used for off street parking or loading, breezeways, enclosed or unenclosed porches and accessory structures.

(i) 'Interjurisdictional' means among two or more local governments.

(j) 'Local government' means any county, municipality, consolidated government or other political subdivision of the state.

(k) 'Metropolitan' means all local governments located within counties with a population of 50,000 persons or more, according to the most recent U.S. Census.

(l) 'Non-metropolitan' means all local governments within counties with a population less than 50,000 persons according to the most recent U.S. Census.

(m) 'Project' means any proposed development outlined in paragraph (2) (e) of this section.

(n) 'Redevelopment' means new construction, possibly including clearing or rehabilitation of existing structures, on a site that was previously developed.

(o) 'Regional development center' means a regional development center (RDC) established under O.C.G.A. 50-8-32.

(p) 'Regionally important resource' means a natural or historic resource, designated by the Department, that has boundaries extending beyond a single local government's jurisdiction, has value to a broader public constituency and which is vulnerable to the actions and activities of mankind. Procedures and guidelines to govern regionally important resources shall be as established by the Department, pursuant to O.C.G.A. 50-8-7.1(b)(3).

(q) 'Threshold' means a level of development beyond which a project is likely to affect areas or regions outside the boundaries of the local government in which the project occurs.

CHAPTER 110-12-3-.03 TIERS AND THRESHOLDS

110-12-3-.03 Tiers and Thresholds

(1) Tiers. The Department has established development thresholds for two distinct areas of the state, as indicated on a map available from the Department. These areas are: (1) the 'Metropolitan Region', which consists of counties with population of 50,000 or more as defined by the most recent decennial US. Census; and (2) the 'Non-Metropolitan Region' which consists of the remaining counties within the state. The development thresholds for each of these two areas are identified in Table I, located herein.

(2) In the event a county changes tiers as a result of new decennial census, it is the responsibility of the local governments within such a county to utilize the appropriate thresholds associated with the new tier.

(3) Thresholds by development type. The thresholds identified in Table I establish the minimum requirements for each DRI type. Proposed developments that do not meet these thresholds are not DRIs and shall not be subject to these rules.

(4) For speculative developments, built before project tenants are identified so that the final use is difficult to identify, the thresholds identified in Table I for the expected predominant final type of development shall apply. The most likely final type of development should be determined based on considerations such as location, project design, structure type(s) or uses permitted by local ordinance.

(5) Proposed multi-phased projects should be reviewed in their entirety rather than phase by phase. However, if the applicant is requesting local government approvals for each phase individually, at such time when the combined phases meet or exceed the threshold, the proposed new phase, plus any incomplete portions of the project is considered a "new" development subject to DRI review. If parts of the project are located on separate parcels, the decision whether the project is multi-phased, or actually separate projects should be based on such considerations as whether a master plan has been prepared for the overall project, or whether any approvals have been sought for the overall project as a unit.

(6) Plans for proposed DRI projects that are to be reviewed under these rules should be finalized to the point where no, or only minor, modifications to the proposed project are necessary prior to the project's construction. However, detailed engineering drawings of the project are not required for DRI review.

(7) Project Changes Subject to DRI Review

(a) Previously reviewed DRI projects that, prior to completion of the development, are proposed to be increased in size by 10% or more, based on the applicable measure used in Table I, must undergo a new DRI review. In such instances, any incomplete portions of

the previously reviewed project, plus the proposed expansion are considered a “new” development subject to the new DRI review.

(b) Proposed changes of mixed use DRI projects that, within five years of the previous DRI review, increase or decrease any of the uses by 20% or more, based on the applicable measure used in Table I, must undergo a new DRI review.

(c) Proposed expansions of existing developments that, combined with any portions of the development that have been built during the past five years, cumulatively exceed a DRI threshold, must undergo DRI review. In such instances, any incomplete portions of the existing development, plus the proposed expansion, are considered a “new” development subject to DRI review.

(d) Proposed redevelopments that exceed a DRI threshold are subject to the DRI review process, even if the previous development on the site was reviewed as a DRI.

(e) Proposed projects that change development type during DRI review must undergo a new DRI review if the project exceeds the DRI threshold for the new development type.

(8) RDC Variances. RDCs may establish more restrictive minimum thresholds than those adopted by the Department, but only if this policy is approved by a majority of its board of directors and is approved by the Department. RDCs may also establish special DRI review procedures that differ from those adopted by the Department, but only if this policy is approved by a majority of its board of directors and is approved by the Department. The more restrictive minimum thresholds, or special DRI review procedures, may be applied to the entire region, or to specific areas within the region, that are identified in the Regional Plan as Target Areas, where special management or allocation of governmental resources will be needed.

Table I Developments of Regional Impact Tiers and Development Thresholds		
Type of Development	Metropolitan Regions	Non-metropolitan Regions
(1) Office	Greater than 400,000 gross square feet	Greater than 125,000 gross square feet
(2) Commercial	Greater than 300,000 gross square feet	Greater than 175,000 gross square feet
(3) Wholesale & Distribution	Greater than 500,000 gross square feet	Greater than 175,000 gross square feet
(4) Hospitals and Health Care Facilities	Greater than 300 new beds; or generating more than 375 peak hour vehicle trips per day	Greater than 200 new beds; or generating more than 250 peak hour vehicle trips per day
(5) Housing	Greater than 400 new lots or units	Greater than 125 new lots or units
(6) Industrial	Greater than 500,000 gross square feet; or employing more than 1,600 workers; or covering more than 400 acres	Greater than 175,000 gross square feet; or employing more than 500 workers; or covering more than 125 acres
(7) Hotels	Greater than 400 rooms	Greater than 250 rooms
(8) Mixed Use	Gross square feet greater than 400,000 (with residential units calculated at 1800 square feet per unit toward the total gross square footage); or covering more than 120 acres; or if any of the individual uses meets or exceeds a threshold as identified herein	Gross square feet greater than 125,000 (with residential units calculated at 1800 square feet per unit toward the total gross square footage); or covering more than 40 acres; or if any of the individual uses meets or exceeds a threshold as identified herein
(9) Airports	All new airports, runways and runway extensions	Any new airport with a paved runway; or runway additions of more than 25% of existing runway length
(10) Attractions & Recreational Facilities	Greater than 1,500 parking spaces or a seating capacity of more than 6,000	Greater than 1,500 parking spaces or a seating capacity of more than 6,000
(11) Post-Secondary School	New school with a capacity of more than 2,400 students, or expansion by at least 25 percent of capacity	New school with a capacity of more than 750 students, or expansion by at least 25 percent of capacity
(12) Waste Handling Facilities	New facility or expansion of use of an existing facility by 50 percent or more	New facility or expansion of use of an existing facility by 50 percent or more
(13) Quarries, Asphalt & Cement Plants	New facility or expansion of existing facility by more than 50 percent	New facility or expansion of existing facility by more than 50 percent
(14) Wastewater Treatment Facilities	New facility or expansion of existing facility by more than 50 percent	New facility or expansion of existing facility by more than 50 percent
(15) Petroleum Storage Facilities	Storage greater than 50,000 barrels if within 1,000 feet of any water supply; otherwise, storage capacity greater than 200,000 barrels	Storage greater than 50,000 barrels if within 1,000 feet of any water supply; otherwise, storage capacity greater than 200,000 barrels
(16) Water Supply Intakes/Reservoirs	New Facilities	New Facilities
(17) Intermodal Terminals	New Facilities	New Facilities
(18) Truck Stops	A new facility with more than three diesel fuel pumps; or containing a half acre of truck parking or 10 truck parking spaces.	A new facility with more than three diesel fuel pumps; or containing a half acre of truck parking or 10 truck parking spaces.
(19) Any other development types not identified above (includes parking facilities)	1000 parking spaces	1000 parking spaces

CHAPTER 110-12-3-.04 DUTIES AND RESPONSIBILITIES

110-12-3-.04 Duties and Responsibilities

(1) Local Government Responsibilities

(a) The local government must follow the applicable procedures identified under DRI review procedures, detailed in Chapters 110-12-3-.05 or 110-12-3-.06 below, when an applicant (industry, business or developer) requests some type of local government action related to an imminent development project, such as, but not limited to, a request for rezoning, rezoning accompanying an annexation, zoning variance, permit, hookup to a water or sewer system, master or site plan approval, or entering into a contract, and it appears that the proposed development (or, for multi-phased projects, the complete development) may meet or exceed the thresholds established for that development type.

(b) In such cases where the local government proposes a project that may meet or exceed the thresholds, the local government becomes the applicant and therefore subject to DRI review procedures. Because the DRI review process is based on the project and not the applicant, a local government would not be exempt from the review process.

(c) In carrying out its DRI responsibilities, a local government will, at a minimum, need to complete two separate forms. The first form is the 'Initial DRI Information' form and the second form is the 'DRI Review Initiation Request' form. Copies of these forms can be obtained directly from the Department, its website, or the local government's RDC.

1. The 'Initial DRI Information' form is intended to: (1) identify basic information about the proposed project on which the local government is being requested to take action; and (2) to provide this information to the RDC and GRTA (if the local government is located within GRTA's jurisdiction). Receipt of this form will notify the RDC and, if applicable GRTA, of a potential DRI in order for them to meet their responsibilities within the DRI review process.

2. The 'DRI Review Initiation Request' form is intended to provide additional information about the proposed project to the RDC and, if applicable, GRTA, in order to ensure that the impacts of the proposed project can be identified. Submittal of this form also allows a local government to officially request that the DRI review process be started by the RDC and, if applicable, GRTA.

3. For local governments located outside GRTA's jurisdiction, each of these two forms may be submitted to the RDC simultaneously, provided the local government has all necessary project-related information.

4. For local governments located within GRTA's jurisdiction, these two forms cannot be submitted simultaneously. In such cases, the 'Initial DRI Information' form must first be completed by the local government; then the 'Pre-application Conference' with the local government, the project applicant, the RDC and GRTA will be held to identify any additional information that will be needed by the RDC or GRTA to evaluate the proposed project's impacts. Once all the required additional information about the project's impacts is available, the local government can then file the 'DRI Review Initiation Request' form with the RDC and GRTA to request that the DRI review process be started.

(d) If a proposed development project will be located in more than one jurisdiction and, in total, the proposed development meets or exceeds a DRI threshold, the local government in which the largest portion of the project is to be located is responsible for initiating the DRI review process as identified in this section.

(e) To ensure a fair review process, local governments shall not take any official action related to such a project until the DRI review process is completed and the local government has had adequate time to consider the DRI review comments. Official legislative or administrative action may include, but is not limited to actions taken by planning commissions, zoning boards of appeals, etc. Local governments may undertake preliminary staff administrative functions associated with a proposed development including, but not limited to, project evaluation/assessment, community participation meetings and hearings, and site visits. However, placing consideration of actions related to a DRI project for formal action on a future agenda of a planning commission, zoning board of appeals, etc., is permitted only when the meeting where action is proposed will be held after the DRI review process is completed.

(f) Failure of a local government to comply with DRI review requirements may result in the loss of the local government's Qualified Local Government (QLG) status, as follows:

1. On the first occurrence, the local government will receive a warning letter from the Department specifying a two-year probationary period during which they must not have a second failure to comply with DRI review requirements.

2. If the local government has previously received a warning letter from the Department and again fails to submit a qualifying project for DRI review during the two-year probationary period specified in the warning letter, the Department will suspend the local government's QLG status for a period of six months.

(g) After the DRI review process is completed, the submitting local government may proceed with action(s) it deems appropriate regarding the proposed project, although it is encouraged to take the public finding and additional comments into consideration when rendering its decision.

(h) If the project receives a negative public finding from the RDC and the local government where the project is located approves said project or takes action to

advance said project, the local government shall notify the RDC and the Department of its action and identify all local requirements it has placed on the development that could mitigate any negative findings identified in the DRI review process.

(i) If the local government is located within GRTA's jurisdictional area and it chooses to approve or advance a DRI project that has received a negative finding from GRTA, it will provide the RDC, the Department and GRTA with an official copy of the vote taken by the governing authority in approving or advancing such a project. This information shall identify the total number of members of the governing authority and the number of these members that voted for and the number that voted against approval of the project.

(2) Regional Development Center Responsibilities

(a) RDCs should, in cases where they become aware of a project that is potentially a DRI, inform the affected local government that the project must be submitted for DRI review.

(b) In cases where it comes to the attention of an RDC that a local government has allowed a development that exceeds DRI thresholds to proceed without going through the DRI review process, the RDC will make a determination as to whether the local government has any additional approvals awaiting consideration:

1. If the local government has not completed all approvals for the development, the RDC will notify the Department as expeditiously as possible. The Department will then issue a directive to the local government to grant no further approvals and to submit the project immediately for DRI review. The Department's notification will specify that failure to comply with its directive will result in the revocation of the local government's QLG status for a period of six months. If the local government fails to comply with the Department's directive, the RDC will contact the Department immediately for appropriate action regarding the local government's QLG status. If the local government complies with the Department's directive, the RDC will notify the Department of this fact. The Department will follow-up with a warning letter to the local government specifying a two-year probationary period during which a second failure to comply with DRI review requirements must not occur.

2. If the local government has completed all approvals for the development, the development will be allowed to proceed without undergoing the DRI review process. The RDC will nevertheless notify the Department of this failure to submit a project for DRI review. The Department will follow-up with a warning letter to the local government specifying a two-year probationary period during which they must not have a second failure to comply with DRI review requirements.

(c) In the case where it comes to the attention of an RDC that a local government has failed to submit a qualifying project for DRI review during the probationary period specified in a previous warning letter to that local government, the RDC shall notify

the Department immediately. The Department will follow-up to suspend the local government's QLG status for a period of six months.

(d) Whenever a development is submitted to an RDC for review by one of its constituent local governments, the RDC shall undertake a regional review of the project following the applicable procedures identified under DRI Review Procedures, detailed in Chapters 110-12-3-.05 or 110-12-3-.06 below.

(e) RDCs may recommend to the Department that a DRI, based on the proposed project's location, the location of public infrastructure that will serve the project, or other factors, does not have a material impact sufficient to warrant a formal review. The Department will make final determination of whether the project warrants DRI review. However, within GRTA's jurisdictional area, a determination that a project does not warrant DRI review shall not affect GRTA's authority, pursuant to O.C.G.A. 50-32-14.

(f) Whenever a proposed development is submitted to an RDC for review by one of its constituent local governments in GRTA's jurisdictional area and the development is determined to be a DRI by the RDC, the RDC shall, within five days, provide GRTA with a copy of all information submitted by the local government on the proposed development. GRTA will then review the project concurrently with the RDC in accordance with GRTA's Principles and Procedures, adopted pursuant to O.C.G.A §50-2-1 et seq.

(g) After completion of a DRI review within GRTA's jurisdictional area, the RDC finding, as well as any additional information obtained in the review, shall be transmitted to GRTA.

CHAPTER 110-12-3-.05 DRI REVIEW PROCEDURES

110-12-3-.05 DRI Review Procedures for projects not located in GRTA's Jurisdictional Area

(1) Request for Action. Upon receipt of a request for local government action related to a project that meets or exceeds the thresholds established for that development type, the local government may require that the applicant submit additional information about the project.

(2) DRI Notification. Upon receiving project information from the applicant, the local government, on behalf of the applicant, must submit an 'Initial DRI Information' form to the RDC and the Department. At the discretion of the local government, the 'DRI Review Initiation Request' form may be submitted to the RDC concurrently with submission of the 'Initial DRI Information' form, provided the local government has all necessary project-related information.

(3) Initial DRI Evaluation. Upon receipt of notification of a potential DRI from a local government, the RDC shall evaluate whether the project meets or exceeds the development thresholds established by the Department, in Table I, and whether the project has material impact sufficient to warrant a DRI review.

(4) DRI Determination. Within five days of receiving an 'Initial DRI Information' form or upon receiving both an 'Initial DRI Information' form and a 'DRI Review Initiation Request' form if submitted concurrently, the RDC must issue a letter to the local government, applicant, and the Department stating whether or not the project is a DRI and whether it warrants DRI review:

(a) If the RDC determines the project is not a DRI, the DRI review process is terminated. The decision of the RDC shall be final.

(b) If the RDC concludes that the project exceeds the DRI thresholds but does not warrant DRI review, it must notify the Department immediately and the Department will issue a determination within five days. The decision of the Department shall be final.

(c) If the RDC determines that the project warrants DRI review, the DRI review process commences and the local government must submit a 'DRI Review Initiation Request Form'. The decision of the RDC shall be final.

(5) Completeness Certification. Once the RDC receives both the 'Initial DRI Information' and the 'DRI Review Initiation Request' forms from the local government, the RDC must, within five days, issue a letter to the local government, the applicant and the Department stating that: (1) the submittal is complete and the DRI review process is either underway or will not occur under the provisions of section 110-12-3-.05(6); or (2) the submittal is incomplete and identify any additional materials the local government

and the applicant must provide. The review process will not begin until the RDC certifies the completeness of the submittal. If both the 'Initial DRI Information' and the 'DRI Review Initiation Request' forms are submitted concurrently, the Completeness Certification and the DRI Determination may be combined into one official notice.

(6) Failure to Submit Additional Information. If the additional information required by the RDC is not provided within 30 days of such notification, then the DRI project will be deemed withdrawn, the RDC shall notify the local government and all affected parties of the withdrawal, and no further action shall be taken by the RDC in connection with the submittal.

(7) Extension Request. At the written request of both the applicant and the local government, the RDC may approve 30-day extensions of the DRI review process, to permit information gathering, negotiations, conflict resolution or similar activities related to the project. Each additional 30-day extension must be requested and approved separately, and written notice given to all parties involved in the review and comment process, including the Department.

(8) Pre-application Conference. If the RDC determines the project is a DRI that warrants DRI review, the RDC may schedule a pre-review meeting with the local government, applicant, the Department and other affected parties to be held within 10 days of its determination that the project is a DRI and warrants DRI review.

(9) Notice to Affected Parties. If the RDC determines the project is a DRI and warrants DRI review, the RDC shall, within 10 days of this determination, distribute a project summary for review and comment to all affected parties.

(10) Evaluation and Analysis. The RDC shall prepare a written analysis of the proposed DRI based upon evaluation of information provided by the applicant and the local government. This evaluation shall address the following items:

- (a) Impact of the project on neighboring jurisdictions
- (b) Impacts on the natural environment, including water resources;
- (c) Impacts on the economy of the region, including factors such as the projected changes in the number of additional permanent jobs, the amount of disposable income, governmental taxes and fees, and costs of governmental facilities and services associated with the proposed project.
- (d) Impacts on public transportation, water supply, sewer, solid waste or other public facilities; and
- (e) Impacts on the availability of adequate housing reasonably accessible to places of employment.
- (f) Project consistency with the Department's Quality Community Objectives. Alternatively, the RDC may evaluate the project for consistency with specific regional

development objectives identified in the regional plan, provided this policy is approved by a majority of its board of directors and is approved by the Department.

(11) Identification of Potential Conflicts. RDC evaluation of the project and comments received from all affected parties should also identify potential interjurisdictional conflicts, opportunities for interjurisdictional cooperation or impacts on regionally important resources (RIR) that may result from the project.

(12) Finding of No Conflict. If the RDC determines that no adverse impacts or conflicts exist and the project has no adverse impact on an RIR, the RDC executive director shall issue a finding that “The proposed action is in the best interest of the Region and, therefore, of the State.” This finding is only an advisory that no adverse impacts or conflicts exist and the project has no adverse impact on an approved RIR. The finding does not imply that the project is in the best interest of the jurisdiction where it is to be located.

(13) Conflict Resolution and RIR Impact Mitigation. If the RDC determines that adverse interjurisdictional impacts, conflicts or impacts on an RIR will result from the project, the RDC may bring the affected parties together to discuss the comments and try to manage the impacts before issuing its public finding referenced below.

(14) Interjurisdictional conflicts. Actions or conflicts identified as part of the DRI Review findings are subject to mediation under the Georgia Planning Act.

(15) Public Finding

(a) Upon conclusion of the above mentioned conflict resolution, the RDC shall issue one of the following public findings:

1. Positive Public Finding. This finding, that “the proposed local government action is in the best interest of the Region and therefore of the State” indicates that any adverse impacts or conflicts or impacts on RIRs have been resolved; or

2. Negative Public Finding. This finding, that “the proposed local government action is not in the best interest of the Region and therefore not of the State” indicates that adverse impacts or conflicts or impacts on RIRs remain unresolved.

(b) The RDC executive director may issue a positive public finding. If the finding is negative, the RDC staff shall make this recommendation to its board of directors at the board’s next meeting. The RDC board of directors shall then consider the staff recommendation and issue a finding. The board of directors may delegate responsibility of making a public finding to a subcommittee, provided the full board acts to approve the finding at the subsequent meeting. In either case, the finding must be made public no later than 30 days from the date of the RDC’s completeness certification as identified at 110-12-3-.05(5), unless formal mediation or 30-day review period extensions, as provided for at 110-12-3-.05 (7), were issued.

(16) Optional RDC Comments. The RDC is encouraged to provide, in addition to its public finding, optional comments and suggestions regarding the proposed project for the consideration of the submitting local government. These comments may highlight opportunities for interjurisdictional cooperation or suggest ways in which potential interjurisdictional conflicts can be mitigated. These optional comments, like the public finding, are advisory only.

(17) Notification Requirements. The RDC's public finding and additional comments must be made public no later than 30 days from the date of the RDC's completeness certification as identified at 110-12-3-.05(5). The RDC's finding and comments must be formally transmitted to the submitting local government, the Department and all affected parties involved in the review and comment process. The finding must also appear in the minutes of the subsequent meeting of the RDC's board of directors.

(18) Optional Public Meeting. The RDC is encouraged to arrange a meeting including the local government, the applicant, affected parties or others to discuss the project, the RDC's project recommendations or other project related issues anytime during the DRI review process.

(19) Withdrawal of DRI Project. If an applicant desires to withdraw a DRI project from review, the local government must inform the RDC in writing of the request. The RDC must provide written notice of this withdrawal to all affected parties, including the Department.

CHAPTER 110-12-3-.06
DRI REVIEW PROCEDURES FOR PROJECTS
LOCATED IN GRTA'S JURISDICTIONAL AREA

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(1) Request for Action. Upon receipt of a request for local government action related to a project that meets or exceeds the thresholds established for that development type, the local government may require that the applicant submit additional information about the project.

(2) DRI Notification. When an applicant initiates a request for local government action, the local government, on behalf of the applicant, must submit an 'Initial DRI Information' form to the RDC, GRTA and the Department.

(3) Initial DRI Evaluation. Upon receipt of notification of a potential DRI from a local government, the RDC shall evaluate whether the project meets or exceeds the development thresholds established by the Department, in Table I, and whether the project has material impact sufficient to warrant a DRI review.

(4) DRI Determination. Within five days of receiving an 'Initial DRI Information' form, the RDC must issue a letter to the local government, GRTA, the applicant and the Department stating whether or not the project is a DRI and whether it warrants DRI review:

(a) If the RDC determines the project is not a DRI, the DRI review process is terminated. The decision of the RDC shall be final.

(b) If the RDC concludes that the project exceeds the DRI thresholds but does not warrant DRI review, it must notify the Department immediately and the Department will issue its final determination within five days. The decision of the Department shall be final; however, a determination by the Department that a project does not warrant DRI review shall not affect GRTA's authority pursuant to O.C.G.A. 50-32-14.

(c) If the RDC determines that the project warrants DRI review then the DRI review process commences and the local government must submit a 'DRI Review Initiation Request' form. The decision of the RDC shall be final.

(5) Pre-application Conference. If the RDC determines the project is a DRI that warrants DRI review, the RDC shall schedule a pre-review meeting to be held within 10 days of receipt of the 'Initial DRI Information' form from the local government. Invitations to the conference shall be extended to the local government, the applicant, GRTA, the Department and other affected parties. The purpose of the conference is to

determine additional information that may be required of the applicant regarding the proposed project.

(6) Submittal for Review. Once the local government and/or applicant has satisfied all information requirements established by the RDC and GRTA, the local government shall submit this information to the RDC and to GRTA to initiate the formal review process. This information shall be submitted concurrently with the 'DRI Review Initiation Request' form by the local government.

(7) Completeness Certification. Once the RDC receives an official 'DRI Review Initiation Request' form from the local government, the RDC and GRTA must, within five days, issue a letter to the local government, the applicant and the Department stating that: (1) the 'DRI Review Initiation Request' submittal is complete and the DRI review process is underway; or (2) the submittal is incomplete and identify any additional materials the local government and/or the applicant must provide. The review process will not begin until both the RDC and GRTA certify the completeness of the submittal.

(8) Failure to Submit Additional Information. If the additional information required by the RDC or GRTA is not provided within 30 days of such notification, then the DRI project will be deemed withdrawn, the RDC shall notify the local government and all affected parties of the withdrawal, and no further action shall be taken by the RDC or GRTA in connection with the submittal.

(9) Extension Request. At the written request of both the applicant and the local government, the RDC may approve 30-day extensions of the DRI review process, to permit information gathering, negotiations, conflict resolution or similar activities related to the project. Each additional 30-day extension must be requested and approved separately and written notice given to all parties involved in the review and comment process, including the Department.

(10) Notice to Affected Parties. Within five days of issuing the completeness certification identified at 110-12-3-.06(7), the RDC will distribute a project summary for review and comment to all affected parties.

(11) Evaluation and Analysis. The RDC shall prepare a written analysis of the proposed DRI based upon evaluation of information provided by the applicant and the local government. This evaluation shall address the following items:

- (a) Impact of the project on neighboring jurisdictions
- (b) Impacts on the natural environment, including water resources;
- (c) Impacts on the economy of the region including factors such as the projected changes in the number of additional permanent jobs, the amount of disposable income, governmental taxes and fees and costs of governmental facilities and services associated with the proposed project.

(d) Impacts on public transportation, water supply, sewer, solid waste or other public facilities;

(e) Impacts on the availability of adequate housing reasonably accessible to places of employment; and

(f) Project consistency with the Department's Quality Community Objectives. Alternatively, the RDC may evaluate the project for consistency with specific regional development objectives identified in the Regional Plan, provided this policy is approved by a majority of its board of directors and is approved by the Department.

(12) Identification of Potential Conflicts. RDC evaluation of the project and comments received from all affected parties should also identify potential interjurisdictional conflicts, opportunities for interjurisdictional cooperation or impacts on regionally important resources (RIR) that may result from the project.

(13) Finding of No Conflict. If the RDC determines that no adverse impacts or conflicts exist and the project has no adverse impact on an RIR, the RDC executive director shall issue a finding that "The proposed action is in the best interest of the Region and therefore of the State." This finding is only an advisory that no adverse impacts or conflicts exist and the project has no adverse impact on an approved RIR. The finding does not imply that the project is in the best interest of the jurisdiction where it is to be located.

(14) Conflict Resolution and RIR Impact Mitigation. If the RDC determines that adverse interjurisdictional impacts, conflicts or impacts on an RIR will result from the project, the RDC may bring the affected parties together to discuss the comments and try to manage the impacts before issuing its public finding referenced below.

(15) Interjurisdictional conflicts. Actions or conflicts identified as part of the DRI Review findings are subject to mediation under the Georgia Planning Act, pursuant to O.C.G.A. 50-8-7.1(d). If needed, a 30-day extension of the DRI review process provided for at 110-12-3-.06 (9) may be permitted to resolve conflicts.

(16) Public Finding

(a) Upon conclusion of the above mentioned conflict resolution, the RDC shall issue one of the following public findings:

1. Positive Public Finding. This finding, that "The proposed local government action is in the best interest of the Region and therefore of the State", indicates that any adverse impacts or conflicts or impacts on RIRs have been resolved; or

2. Negative Public Finding. This finding, that "The proposed local government action is not in the best interest of the Region and therefore not of the State", indicates that adverse impacts or conflicts or impacts on RIRs remain unresolved.

(b) The RDC executive director may issue a positive public finding. If the finding is negative, the RDC staff shall: 1) make this recommendation to its board of directors at the board's next meeting, and 2) provide a copy of this recommendation to the local government and the applicant prior to the 30th day from the date of completeness certification as identified at 110-12-3-.06(7). The RDC board of directors shall then consider the staff recommendation and issue a finding. The board of directors may delegate responsibility of making a public finding to a subcommittee, provided the full board acts to approve the finding at the subsequent meeting. The negative public finding must be made public no later than 45 days from the date of the RDC's completeness certification, as identified at 110-12-.06(7), unless formal mediation or 30-day review period extensions, as provided for at 110-12-3-.06 (9), were issued.

(17) Optional RDC Comments. The RDC is encouraged to provide, in addition to its public finding, optional comments and suggestions regarding the proposed project for the consideration of the submitting local government. These comments may highlight opportunities for interjurisdictional cooperation or suggest ways in which potential interjurisdictional conflicts can be mitigated. These optional comments, like the public finding, are advisory only.

(18) Notification Requirements. If the RDC issues a positive finding, it must be made public no later than 30 days from the date of the RDC's completeness certification, as identified at 110-12-3-.06(7). If the RDC makes a negative public finding, it must be made public no later than 45 days from this certification. The RDC's finding and comments must be formally transmitted to the submitting local government, the Department and all affected parties involved in the review and comment process. The finding must also appear in the minutes of the subsequent meeting of the RDC's board of directors.

(19) Optional Public Meeting. The RDC is encouraged to arrange a meeting including the local government, the applicant, affected parties, or others to discuss the project, the RDC's project recommendations or other project-related issues anytime during the DRI review process.

(20) Withdrawal of DRI project. If an applicant desires to withdraw a DRI project from review, the local government must inform the RDC in writing of the request. The RDC must provide written notice of this withdrawal to all affected parties, including the Department and GRTA.